
*Church Trust Property (Declaration of Certain Purposes
and Objects) Ordinance 1979*

No. 38, 1979

AN ORDINANCE to declare certain purposes and objects of the Church of England in Australia in the Diocese of Sydney relating to church trust property.

WHEREAS

A. Section 45B(9) of the Trade Practices Act 1974 (as subsequently amended) provides, inter alia, that section 45B of that Act does not apply to or in relation to certain covenants or proposed covenants —

- (i) given for or in accordance with the purposes or objects of a religious, charitable or public benevolent institution; or
- (ii) given in pursuance of a legally enforceable requirement made for or in accordance with the purposes or objects of such an institution.

B. It is desirable that certain purposes or objects of the Church of England in Australia in the Diocese of Sydney be declared in relation to church trust property.

NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DIRECTS DECLARES AND RULES as follows:—

1. (1) This Ordinance may be cited as “Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979”.

(2) In this Ordinance, “church trust property” has the meaning attributed to that term in section 4 of the Church of England Trust Property Act, 1917 (as subsequently amended).

2. The purposes and objects of the Church of England in Australia in the Diocese of Sydney include (but are not limited to) preventing the use of church trust property for such purposes as have been or may be from time to time proscribed by ordinance of the Synod or ordinance or resolution of the Standing Committee thereof.

3. Without limiting the generality of clause 2, a purpose shall have been proscribed if an ordinance of the Synod or an ordinance or resolution of the Standing Committee thereof directs a trustee of church trust property to include in a lease granted in respect of that property a covenant which forbids or restricts the use of that property for a purpose specified in such ordinance or resolution.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

E. D. CAMERON,
Chairman of Committees.

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We certify that this Ordinance was passed by the Synod of the Diocese of Sydney on the third day of October 1979.

R. J. BOMFORD,
W. G. S. GOTLEY,
Secretaries.

I assent to this Ordinance.

3/10/1979.

M. L. LOANE,
Archbishop of Sydney.

REPEALED